

REMARKS

Claims 1-4, 7-11, 31-34, 36, and 37 are pending. Claim 35 has been canceled herein, without prejudice or disclaimer of subject matter. Claims 33, 34, 36 and 37 have been amended to define still more clearly what Applicants regard as their invention. These amendments have not been made for purposes related to patentability. Claims 1, 10, 11, 31, 33 and 37 are independent claims.

Initially, Applicants note with appreciation the allowance of Claims 1-4, 7-11, 31 and 32.

In the Office Action, Claims 33-37 were rejected under 35 U.S.C. § 112, first paragraph, as not being supported by an enabling disclosure. In particular, the Office Action states that the features recited in the “wherein” clauses of those claims are not enabled.

First, without conceding the propriety of this rejection, the cancellation of Claim 35 renders the Section 112 rejection of that claim moot.

As to Claims 33, 34, 36, and 37, the features of the respective “wherein” clauses incorporated in those claims are supported in the specification as originally filed, at least at page 18, lines 18-22. For example, four plane units (Y plane unit, M plane unit, C plane unit, and K plane unit) are described therein as being a plurality of image forming units (means). Moreover, each of these four plane units is an independent unit and the physical position of each plane unit is different. It also is described that when each of the four plane units forms an image, predetermined time differences are produced in units of

planes due to the physical positions of the four plane units.¹

It is respectfully submitted that, in view of at least page 18, lines 18-22 of the specification, one skilled in the relevant art would most certainly understand how to make and/or use the invention in which each of a plurality of image forming means (Claims 33, 34, and 36) or steps (Claim 37) forms an image by a predetermined time difference according to the physical position of each of the plurality of image forming means (Claims 33, 34, and 36) or steps (Claim 37). Accordingly, it is believed that the Section 112, first paragraph, rejection has been overcome, and its withdrawal is therefore respectfully requested.

Claims 33-37 also were rejected under 35 U.S.C. § 102(e) in the Office Action, as being anticipated by U.S. Patent 6,539,108 (Kobayashi et al.).

Cancellation of Claim 35 renders its Section 102(e) rejection moot, although Applicants do not concede the propriety of the rejection.

Regarding Claims 33, 34, 36, and 37, Applicants submit that Kobayashi et al. has an effective U.S. filing date (August 20, 1999) which is later than the filing date (January 5, 1999) of Japanese Patent Application No. 11-000683, from which the present application claims priority. Because Kobayashi et al. has a publication date later than the mentioned priority date to which the present application is entitled, Kobayashi et al. does

¹ It should be understood, of course, that the scope of the relevant claims should not be construed as being limited only to the embodiment described at page 18, lines 18-22 of the specification, which is referred to merely for illustration purposes.

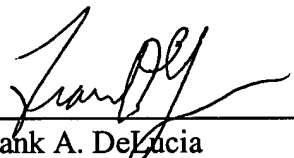
not qualify as prior art under 35 U.S.C. § 102(e).²

Accordingly, Applicants respectfully request the Examiner to remove the Section 102(e) rejection based on Kobayashi et al.

In view of the foregoing, it is believed that all of the pending claims are in condition for allowance. Applicants therefore respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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² A sworn English translation of the priority Japanese Patent Application No. 11-000683 is in preparation, and will be filed shortly.